

AMENDED IN ASSEMBLY JANUARY 6, 2014

AMENDED IN ASSEMBLY MARCH 21, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1279**

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**Introduced by Assembly Member Conway**

*(Coauthors: Assembly Members Bigelow, Beth Gaines, Gorell, Grove,  
Harkey, Jones, Morrell, and Wilk)*

February 22, 2013

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An act to amend Sections 48352, 48354, and 48356 of the Education Code, relating to school enrollment.

LEGISLATIVE COUNSEL'S DIGEST

AB 1279, as amended, Conway. Open Enrollment Act: expansion to all school districts of residence. *Act.*

Existing law, the Open Enrollment Act, authorizes the parent of a pupil enrolled in a low-achieving school, as defined, to submit an application for the pupil to attend a school in a school district of enrollment, as defined, as specified.

This bill would expand the act to authorize the parent of a pupil enrolled in a school district of residence, as defined, to submit an application for the pupil to attend a school in a school district other than their school district of residence.

The Open Enrollment Act requires a school district of enrollment to ensure that pupils enrolled pursuant to the act are enrolled in a school with a higher Academic Performance Index than the school in which the pupil was previously enrolled and are selected through a random, unbiased process, except that pupils applying for transfer are required to be assigned specified priorities for approval.

This bill would add a third priority for approval for pupils transferring from a school ranked in decile 2 on the Academic Performance Index.

To the extent the bill would expand the duties of school districts under the Open Enrollment Act, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 48352 of the Education Code is amended  
2 to read:  
3 48352. For purposes of this article, the following definitions  
4 apply:  
5 (a) "Parent" means the natural or adoptive parent or guardian  
6 of a dependent child.  
7 (b) "School district of enrollment" means a school district other  
8 than the school district in which the parent of a pupil resides, but  
9 in which the parent of the pupil nevertheless intends to enroll the  
10 pupil pursuant to this article.  
11 (c) "School district of residence" means a school district in  
12 which the parent of a pupil resides and in which the pupil would  
13 otherwise be required to enroll pursuant to Section 48200.  
14 SEC. 2. Section 48354 of the Education Code is amended to  
15 read:  
16 48354. (a) The parent of a pupil enrolled in a school district  
17 of residence may submit an application for the pupil to attend a  
18 school in a school district of enrollment pursuant to this article.  
19 (b) (1) Consistent with the requirements of Section  
20 1116(b)(1)(E) of the federal Elementary and Secondary Education  
21 Act of 2001 (20 U.S.C. Sec. 6301 et seq.), on or before the first  
22 day of the school year, or, if later, on the date the notice of program  
23 improvement, corrective action, or restructuring status is required

1 to be provided under federal law, the school district of residence  
2 shall provide the parents and guardians of all pupils enrolled in a  
3 school in the district with notice of the option to transfer to another  
4 public school served by the school district of residence or another  
5 school district.

6 (2) An application requesting a transfer pursuant to this article  
7 shall be submitted by the parent of a pupil to the school district of  
8 enrollment before January 1 of the school year preceding the school  
9 year for which the pupil is requesting to transfer. The school district  
10 of enrollment may waive the deadline specified in this paragraph.

11 (3) The application deadline specified in paragraph (2) does not  
12 apply to an application requesting a transfer if the parent, with  
13 whom the pupil resides, is enlisted in the military and was relocated  
14 by the military within 90 days before submitting the application.

15 (4) The application may request enrollment of the pupil in a  
16 specific school or program within the school district of enrollment.

17 (5) A pupil may enroll in a school in the school district of  
18 enrollment in the school year immediately following the approval  
19 of ~~his or her~~ *the pupil's* application.

20 (6) In order to provide priority enrollment opportunities for  
21 pupils residing in the school district, a school district of enrollment  
22 shall establish a period of time for resident pupil enrollment before  
23 accepting transfer applications pursuant to this article.

24 SEC. 3. Section 48356 of the Education Code is amended to  
25 read:

26 48356. (a) A school district of enrollment may adopt specific,  
27 written standards for acceptance and rejection of applications  
28 pursuant to this article. The standards may include consideration  
29 of the capacity of a program, class, grade level, school building,  
30 or adverse financial impact. Subject to subdivision (b), and except  
31 as necessary in accordance with Section 48355, the standards shall  
32 not include consideration of a pupil's previous academic  
33 achievement, physical condition, proficiency in the English  
34 language, family income, or any of the individual characteristics  
35 set forth in Section 200.

36 (b) In considering an application pursuant to this article, a  
37 nonresident school district may apply its usual requirements for  
38 admission to a magnet school or a program designed to serve gifted  
39 and talented pupils.

1 (c) Subject to the rules and standards that apply to pupils who  
2 reside in the school district of enrollment, a resident pupil who is  
3 enrolled in one of the district’s schools pursuant to this article shall  
4 not be required to submit an application in order to remain enrolled.

5 (d) A school district of enrollment shall ensure that pupils  
6 enrolled pursuant to standards adopted pursuant to this section are  
7 enrolled in a school with a higher Academic Performance Index  
8 than the school in which the pupil was previously enrolled and are  
9 selected through a random, unbiased process that prohibits an  
10 evaluation of whether or not the pupil should be enrolled based  
11 on his or her individual academic or athletic performance, or any  
12 of the other characteristics set forth in subdivision (a), except that  
13 pupils applying for a transfer pursuant to this article shall be  
14 assigned priority for approval as follows:

15 (1) First priority for the siblings of children who already attend  
16 the desired school.

17 (2) Second priority for pupils transferring from a program  
18 improvement school ranked in decile 1 on the Academic  
19 Performance Index.

20 (3) Third priority for pupils transferring from a school ranked  
21 in decile 2 on the Academic Performance Index.

22 (4) If the number of pupils who request a particular school  
23 exceeds the number of spaces available at that school, a lottery  
24 shall be conducted in the group priority order identified in  
25 paragraphs (1) to (3), inclusive, to select pupils at random until all  
26 of the available spaces are filled.

27 (e) The initial application of a pupil for transfer to a school  
28 within a school district of enrollment shall not be approved if the  
29 transfer would require the displacement from the desired school  
30 of any other pupil who resides within the attendance area of that  
31 school or is currently enrolled in that school.

32 (f) A pupil approved for a transfer to a school district of  
33 enrollment pursuant to this article shall be deemed to have fulfilled  
34 the requirements of Section 48204.

35 SEC. 4. If the Commission on State Mandates determines that  
36 this act contains costs mandated by the state, reimbursement to  
37 local agencies and school districts for those costs shall be made

- 1 pursuant to Part 7 (commencing with Section 17500) of Division
- 2 4 of Title 2 of the Government Code.

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